

MARSHA N. HONDA, State Bar No. 100894
4496 Broadway #E-110, Oakland, CA 94611
Cell phone: 510-393-0255 Email: hondamarsha@yahoo.com

FILED

JUL 15 2008

UNITED STATES DISTRICT COURT RICHARD W. WIEKING
NORTHERN DISTRICT OF CALIFORNIA CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In the Matter of
MARSHA NOREEN HONDA

#100894

Case No. CV-08-90102 MISC (VRW)

SUPPLEMENTAL
RESPONSE TO ORDER TO SHOW
CAUSE

7/13/08
DATED: July 13, 2008


Marsha N. Honda, Respondent

(1

SUPPL. RESPONSE TO ORDER TO SHOW CAUSE - CV-08-90102 MISC (VRW)

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State Bar Court of California Hearing Department San Francisco PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES		
Counsel For The State Bar Wonder J. Liang Deputy Trial Counsel State Bar of California 180 Howard Street San Francisco, California 94105 (415) 538-2372 Bar # 184357	Case Number (s) 08-C-10541-LMA	(for Court's use)
In Pro Per Respondent Marsha Honda 4496 Broadway #E-110 Oakland, California 94611 (510) 393-0255 Bar # 100894	Submitted to: Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: Marsha Honda Bar # 100894 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 1, 1981**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 5 pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

(Do not write above this line.)

- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
- (a) ☐ State Bar Court case # of prior case
- (b) ☐ Date prior discipline effective
- (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
- (d) ☐ Degree of prior discipline
- (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below:
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☒ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

(Do not write above this line.)

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☒ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious. **Respondent has no prior record of discipline since her admission into the State Bar of California.**
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. **Respondent has displayed spontaneous candor and cooperation with the State Bar during disciplinary proceedings.**
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☒ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities. **SEE Respondent's Confidential Nexus Statement received by the State Bar on June 5, 2008, without exhibits attached here to as "Exhibit 1" - paragraphs 6 through 8, 10 through 12, 21, 26 and 27.**
- (9) ☒ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct. **SEE Exhibit 1 - paragraphs 4, 5, 19, 28 through 30**
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: MARSHA HONDA, SBN 100894

CASE NUMBER(S): 08-C-10541-LMA

FACTS.

Respondent admits that the following facts are true.

1. On May 18, 2007, respondent was arrested by the Oakland Police Department. On May 22, 2007, respondent was charged with violating section 246 of the Penal Code, a felony, for discharging a firearm at an inhabited dwelling.

2. On June 28, 2007, respondent entered a no contest plea to violating section 12025(a)(2) of the Penal Code [carrying a concealed firearm], a felony. She was sentenced to sixty-two (62) days in jail with credit for time served of forty-two (42) days and placed on formal probation for five (5) years.

CONCLUSIONS OF LAW.

The facts and circumstances surrounding the violation of section 12025(a)(2) of the Penal Code, of which Marsha Honda was convicted, did not involve moral turpitude, but did involve other misconduct warranting discipline.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was July 3, 2008.

COMPLIANCE WITH CONDITIONS OF PROBATION/PAROLE IN UNDERLYING CRIMINAL MATTER.

Respondent shall comply with all conditions of her Probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Probation Unit.

(Do not write above this line.)

In the Matter of MARSHA HONDA SBN 100894	Case number(s): 08-C-10541-LMA
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

<u>7/9/08</u> Date	 Respondent's Signature	<u>Marsha Honda</u> Print Name
_____ Date	_____ Respondent's Counsel Signature	<u>n/a</u> Print Name
_____ Date	_____ Deputy Trial Counsel's Signature	<u>Wonder J. Liang</u> Print Name

(Do not write above this line.)

In the Matter Of MARSHA N. HONDA SBN 100894	Case Number(s): 08-C-10541-LMA
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulation as to facts and conclusions of law is APPROVED.
- ☐ The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- ☐ All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

 Date

 Judge of the State Bar Court



THE STATE BAR
OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (415) 538-2000
TDD: (415) 538-2231
FAX: (415) 538-2284

DIRECT DIAL: (415) 538-2372

July 3, 2008

PERSONAL AND CONFIDENTIAL

Marsha Honda
4496 Broadway, #E-110
Oakland, California 94611

Re: Transmittal of Stipulation/Disclosure of Pending Matters
Case Number: 08-C-10541

Dear Ms. Honda:

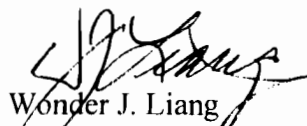
I am informed that you are representing yourself in this matter. If this information is incorrect, please have your counsel contact me promptly.

Please find enclosed a stipulation involving your wish to seek participation in the State Bar Court Program. To accept this stipulation, you will need to sign and date the second to the last page.

Pursuant to rule 133(12), I must advise you in writing, no more than 30 days prior to submitting a stipulation to the court, of any pending investigations or proceedings not resolved by the stipulation, except for criminal investigations. A review of our records reveals that no other investigations or proceedings are pending against you at this time.

I appreciate your cooperation in resolving this matter promptly by stipulation.

Very truly yours,


Wonder J. Liang
Deputy Trial Counsel

WJL/

Enclosure: As stated.



THE STATE BAR
OF CALIFORNIA

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

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72 FAX # 415 538 2281
WONDER LIANG

FACSIMILE TRANSMISSION

DATE: July 3, 2008

TO: Marsha Honda

FROM: FAX: (510) 595-0311

FROM: Wonder J. Liang

PHONE: (415) 538-2372

Total number of pages (including cover sheet): 8

If you did not receive all of the pages, please call: Paula x 2128

Message:

WONDER LIANG: ATTACHED IS ENCLOSED
5 PAGES 5, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 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